

**REMARKS**

Claims 1-5 are pending and remain. Claims 1-5 have been amended.

The amendments present the rejected claims in better form for consideration on appeal and may be admitted pursuant to 37 C.F.R. § 1.116(b)(2).

5    **Rejections under 35 U.S.C. § 112, first paragraph - Enablement**

Claims 1-5 stand rejected under 35 U.S.C. § 112, first paragraph, for lack of enablement. Applicant traverses.

“The test of enablement is whether one reasonably skilled in the art could make or use the invention without undue experimentation.” MPEP 2164.01

10   (citing *U.S. v. Telelectronics, Inc.*, 857 F.2d 778, 785 (Fed. Cir. 1988)). The examiner has the initial burden to establish a reasonable basis to question the enablement provided for the claimed invention. MPEP 2164.04. A specification disclosure, which contains a teaching of the manner and process of making and using an invention in terms which correspond in scope to those used in describing  
15   and defining the subject matter sought to be patented must be taken as being in compliance with the enablement requirement of 35 U.S.C. § 112, first paragraph, unless there is a reason to doubt the objective truth of the statements contained therein which must be relied on for enabling support. *Id.* Explanation as to reasons for doubting the truth or accuracy of any statement in a supporting  
20   disclosure, along with acceptable evidence or reasoning should be provided (emphasis added). *Id.*

The Office Action of October 29, 2008 (“Office Action”) fails to provide reasons and evidence to support doubt of the objective truth of the statements made in the disclosure. Instead, the Office Action asserts that in Claim 1,

25   Applicant fails to provide meanings for the phrases “zone of influence,” “event data,” and “user navigational event.” Office Action, page 2, paragraphs 4-6. The Office Action further states that each of the phrases were “copied from the specification and pasted in the claims without any description to enable one skilled in the art to make and use the invention.” *Id.* Applicant respectfully  
30   disagrees.

A reasonable basis to question enablement is required. The objective truth of the statements contained in the specification has not been called into doubt. Identifying phrases and stating that the phrases were copied without any description is not acceptable evidence or reasoning. Accordingly, a rejection for 5 enablement is inappropriate.

Notwithstanding, Applicant has addressed the apparent concerns regarding the aforementioned phrases. Each phrase is both defined and enabled in the specification. Additionally, words of the claim must be given their broadest reasonable interpretation, including their plain meaning, unless the plain meaning 10 is inconsistent with the specification. MPEP 2111.01. Applicant asserts that the plain meaning of the phrases are consistent with the definitions provided in the specification and are objectively truthful. MPEP 2164.04.

The phrase “zone of influence” has been amended to recite a “zone.” The term “zone” means an area or region distinguished from adjacent parts by a 15 distinctive feature or characteristic. American Heritage Dictionary 939 (3d ed. 1994). A “zone” is consistently defined in the specification, and not merely used, on page 10, line 30-page 11, line 1; page 13, lines 2-7; page 13, lines 10-16; page 13, lines 19-23; page 13, line 26-page 14, line 13; and page 14, line 30-page 15, line 3. Examples of a zone are provided in FIGURES 2A, 2B, 3A, 3B, 4, 5A, 5B, 20 6, and 7.

The phrase “event data” includes the term “event,” which means an occurrence or incident. American Heritage Dictionary 293 (3d ed. 1994). Data means factual information, especially information organized for analysis or used to make decisions. American Heritage Dictionary 218 (3d ed. 1994). Together, 25 the terms mean factual information regarding an occurrence or an event, which is consistently defined, and not merely used, in the specification on page 8, line 15-page 9, line 7; page 10, line 30-page 11, line 3; page 15, lines 1-5; and page 18, lines 15-19. Further, specific examples of user events are described on page 15, line 12-page 16, line 6 and page 16, line 13-page 17, line 9.

30 The phrase user “user navigational event” has been amended to “location event.” The event data, which is discussed above, defines one or more location

events, as recited in Claim 1. The phrase “location event” is supported in the specification on page 9, lines 1-5; page 10, line 30-page 11, line 7; and page 15, lines 4-7. Further, specific examples of location events are described on page 15, line 12-page 16, line 6 and page 16, line 13-page 17, line 9.

5        The Office Action also indicates that in Claim 2, the term “duration” and the phrase “to locally trigger each user navigational event associated with the timed event” are not enabled. Office Action, page 3, point 2, paragraphs 2 and 3. The term “duration” means a period of existence or persistence and is consistently defined, and not merely used, in the specification on page 8, lines 21-25.

10      25. American Heritage Dictionary 264 (3d ed. 1994). Further, the phrase “to locally trigger each user navigational event associated with the time event” has been amended to replace the phrase “user navigational” with the term “location,” as described above, and the term “locally” has been removed. Support for the amended phrase can be found in the specification on page 8, lines 17-30.

15      In Claim 3, the phrases “independent trigger condition” and “to locally trigger each user navigational event associated with the independent trigger conditions based on the trigger condition satisfaction” have been identified as not enabled. Office Action, page 3, paragraphs 4 and 5. In the phrase “independent trigger condition,” the term “trigger” means an event that precipitates other events. American Heritage Dictionary 859 (3d. ed. 1994). The term “condition” means a prerequisite. American Heritage Dictionary 182 (3d ed. 1994). Thus, a combination of the terms describes a prerequisite for precipitating an event. The term “independent” modifies the phrase “trigger condition” to describe a type of trigger condition that is free from the influence, guidance, or control of others.

20      25. American Heritage Dictionary 425 (3d ed. 1994). The phrase “independent trigger condition” is consistently defined, and not merely used, in the specification on page 9, lines 1-5.

Also, in Claim 3, the phrase “to locally trigger each user navigational event associated with the independent trigger conditions based on the trigger condition satisfaction” has been amended and now recites, “to trigger the independent event associated with the satisfied independent trigger condition.”

Support for the claim amendment can be found in the specification on page 9, lines 1-7.

Further, the Office Action indicates that the phrases “user event data,” “user navigational event,” and “timed event data,” as used in Claims 1-5, are not enabled. Office Action, page 3, paragraph 6. Applicant disagrees. The phrase “timed event data” is supported by the specification, and not merely used, on page 8, lines 17-30. The phrase “user navigational event” has been amended to remove the phrase “user navigational,” as discussed above. Claims 2-5 have also been amended to remove the phrase “user navigation.” Additionally, the term “user” has been removed from the phrase “user event data,” as described above, in Claims 1-5.

Accordingly, a reasonable basis to question the enablement provided for the claimed invention has not been shown. Claims 1-3 are enabled. Claims 4 and 5 are dependent on Claim 1 and are patentable for the above-stated reasons, and as further distinguished by the limitations therein. As the specification provides a teaching sufficient so as to enable one skilled in the art to which the invention pertains, or with which the invention is most nearly connected to make or use the invention, withdrawal of the rejection is requested.

**Rejections under 35 U.S.C. § 112, first paragraph – Written Description**

Claims 2 and 3 stand rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. Applicant traverses.

Claim 2 has been amended to recite to trigger the timed event. Support for the claim amendments can be located in the specification on page 9, lines 1-5. Also, Claim 3 has been amended to recite to determine satisfaction of one or more of the independent trigger conditions. Support for the claim amendments can be located in the specification on page 9, lines 1-7. Thus, no new matter is entered. Accordingly, Claims 2 and 3 comply with the written description requirement. Withdrawal of the rejection is requested.

**Rejections under 35 U.S.C. § 102(e) over Sprogis**

Claims 1-5 stand rejected under 35 U.S.C. § 102(e) as being anticipated by

U.S. Patent No. 6,320,495 to Sprogis. Applicant traverses.

A claim is anticipated under 35 U.S.C. § 102(e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. MPEP 1231. Sprogis fails to anticipate.

5        Claim 1 recites a storage medium configured to hold data in a cartridge script loadable into a wireless computing device.

Sprogis fails to teach holding data in a cartridge script that is loadable into a wireless computing device. Instead, Sprogis teaches maintaining a gamemaster, which is a centralized computer that transmits data to and receives data from one 10 or more wireless communication devices each managed by a player (Col. 3, lines 32-34). The wireless communication device transmits the player's location to the gamemaster via the Internet (Col. 3, lines 34-36 and Col. 3, line 66-Col. 4, line 1). Once received, the gamemaster determines a clue based on the location of the player, as well as other factors (Col. 3, lines 9-13). The clue is then transmitted to 15 the wireless communication device for display to the player (Col. 3, lines 61-63; and Col. 4, lines 9-13). Thus, the gamemaster functions independently from the wireless communication devices, which each collect and transmit the player location to the gamemaster for processing. The gamemaster is centralized for receiving data from and transmitting data to multiple devices. In contrast, a 20 cartridge is loaded onto a user device and together, the cartridge and user device function as a single, unified component. Therefore, Sprogis teaches a central gamemaster for communicating with multiple wireless communication devices, rather than a cartridge script that is loadable onto a wireless computing device.

Further, Claim 1 has been amended to recite event data configured to 25 define one or more location events into the cartridge script and to associate each location event with at least one zone.

Sprogis fails to teach defining one or more location events into a cartridge script. Rather, Sprogis teaches determining a clue when a player enters a new grid on a treasure hunt territory map (Col. 5, lines 11-12). The clue is determined 30 by a gamemaster based on the location of the player, a number of clues the player has answered correctly, and a location of other players (Col. 3, lines 9-13). Once

determined, the clue is transmitted to a wireless communication device for providing to the player (Col. 3, lines 13-15). Thus, the clue is determined dynamically by the gamemaster when a player enters a new grid. Therefore, Sprogis teaches *dynamically* determining clues by a gamemaster, rather than

5 defining one or more location events into a cartridge script that is loadable into a wireless computing device.

Furthermore, Claim 1 recites the wireless computing device comprising . . . a processing module configured to determine a correlation between the dynamic geolocation data and the static geolocation data for one or more of the zones  
10 and to trigger the location event associated with the zone based on the correlation.

Sprogis fails to teach or suggest a wireless computing device for determining a correlation between dynamic geolocation data and static geolocation data for one or more zones and for triggering a location event associated with the zone based on the correlation. Instead, Sprogis teaches

15 identifying by a wireless communication device, a location of a player, which is transmitted to a central gamemaster computer for processing (Col. 3, lines 5-9). A central map of a treasure hunt territory is divided into grids and input into the gamemaster to track player locations on the map using the player location determined by the wireless communication device (Col. 4, lines 15-27). When a  
20 player enters a new grid, the gamemaster uses the player location with previous locations of the player and current locations of other players to generate a clue, which is transmitted to the wireless communication device (Col. 3, lines 9-15 and Col. 5, lines 11-12). Since the central map is maintained on the gamemaster, the wireless communication device merely obtains the player location for transmitting  
25 to the gamemaster, where the player's location on the central map is identified. Without a map, the wireless communication device is unable to identify the player's specific location with regards to the treasure hunt. Therefore, Sprogis teaches identifying by a gamemaster, a player's location on a central treasure hunt territory map, rather than determining by a wireless computing device, a  
30 correlation between dynamic geolocation data and static geolocation data for one or more zones.

Further, Sprogis fails to teach or suggest a wireless computing device for triggering a location event associated with the zone based on the correlation. Instead, Sprogis teaches determining a location of a player by a wireless communication device and transmitting the player location to a gamemaster (Col. 5, lines 5-9). The gamemaster uses the player location from the wireless communication device to identify a location of the player on a central treasure hunt map, which is segmented into grids (Col. 4, lines 15-24). When the player enters a new grid on the map, the gamemaster determines a clue for transmitting to the wireless communication device. Therefore, Sprogis teaches determining a 10 clue on a gamemaster when a player enters a new grid, rather than triggering a location event by a wireless computing device.

Accordingly, Sprogis fails to anticipate Claim 1. Claims 2-5 are dependent on Claim 1 and are patentable for the above-stated reasons, and as further distinguished by the limitations therein. Withdrawal of the rejection is 15 requested.

Claims 1-5 are believed to be in condition for allowance. Entry of the foregoing amendments is requested. Reconsideration of the claims, withdrawal of the finality of the Office action, and a Notice of Allowance are earnestly solicited. Please contact the undersigned at (206) 381-3900 regarding any questions or 20 concerns associated with the present matter.

Respectfully submitted,

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